

STATE OF INDIANA)

IN THE STEUBEN CIRCUIT COURT

COUNTY OF STEUBEN)

FILED

JUN 05 2006

06-025

IN RE: LEE SWAGER,

MISCELLANEOUS DOCKET

NO. _____

Respondent.

CLERK, STEUBEN CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Matt J. Light, and the Respondent, Lee Swager, enter into an Assurance of Voluntary Compliance ("Assurance") pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent is a resident of Steuben County, Indiana, who solicited persons to purchase tickets for an automobile raffle that he was conducting for the benefit of the Fremont Masonic Temple.
2. Respondent did not obtain a license from the Indiana Department of Revenue prior to conducting the automobile raffle referred to in paragraph one (1).
3. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.
4. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Indiana Attorney General's Office to investigate matters hereinafter

described, pursuant to the authority of Ind. Code § 4-6-9-4 and Ind. Code § 24-5-0.5-1 *et seq.*

5. Respondent shall not conduct a raffle or other charity gaming event without a license issued by the Indiana Department of Revenue as required by Ind. Code § 4-32-9-2.

6. Pursuant to Ind. Code § 24-5-0.5-10, Respondent shall not engage in or solicit to engage in a consumer transaction without a permit or license required by law.

7. By executing this Assurance, Respondent certifies that he has paid full refunds to all purchasers of tickets to Respondent's automobile raffle. Respondent agrees to keep and maintain all records relating to his payment of ticket refunds for a period of two (2) years from the date of this Assurance, and further agrees to provide such records to the Indiana Attorney General upon reasonable notice.

8. Upon execution of this Assurance, Respondent shall pay investigative costs in the amount of Three Hundred Dollars (\$300.00) to the Office of the Attorney General.

9. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

10. Respondent shall fully cooperate with the Office of the Attorney General in the investigation and resolution of any future written complaints the Consumer Protection Division receives.

11. The Office of the Attorney General shall file this Assurance in the Circuit Court of Steuben County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

IN WITNESS WHEREOF, the parties have executed this Assurance this 31st day of May, 2006.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Attorney General of Indiana

LEE SWAGER

by: _____
Matt J. Light
Deputy Attorney General
Attorney No. 25680-53
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

Lee Swager

APPROVED this 5 day of June, 2006.

Allen N. Wheat

Judge, Steuben Circuit Court